



**US Army Corps
of Engineers®**

New England District

696 Virginia Road
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PUBLIC NOTICE

Date: August 14, 2001

Comment Period Ends: September 13, 2001

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INITIAL PUBLIC NOTICE

NATIONWIDE PERMIT REISSUANCE AND SPECIAL PROCEDURES IN NEW ENGLAND REQUEST FOR COMMENTS AND PUBLIC HEARING

On August 9, 2001, the U.S. Army Corps of Engineers published in the Federal Register its proposal to reissue the Nationwide Permits (NWP).

The U.S. Army Corps of Engineers Headquarters Office will conduct a public hearing in Washington, D.C., on September 12, 2001, at the GAO Building, 7th floor auditorium. The intent of this hearing is to solicit public comments; both oral and written, on the NWP Program as a whole or on individually proposed NWPs on a national level. The public record for this hearing will conclude at close of business September 22, 2001. This date is separate from the Federal Register notice closing date for the receipt of written comments. For further information on the hearing or the proposed NWPs, please contact Mr. Rich White at (202) 761-4599, or Mr. Sam Collinson, at (202) 761-4594.

NWPs are general permits issued on a nationwide basis to authorize minor activities with minimal evaluation time. Some activities authorized by NWPs require pre-construction notification to the District Engineer before commencing with the work. This notification requirement to the District Engineer is necessitated to ensure that activities authorized by these NWPs have minimal individual and cumulative adverse impacts on the aquatic environment.

This notice is the public's opportunity to comment on the proposed re-issuance of existing NWPs and conditions. Comments on a national issues relating to these NWPs should be sent to the GAO Building, Office of the Chief of Engineers, Regulatory Branch (ATTN: CECW-OR), 441 G Street, N.W., Washington, D.C. 20314-1000. Comments on the proposed new and modified NWPs are due by September 24, 2001.

In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Division Engineers may also suspend or revoke specific NWPs in certain geographic areas (e.g., States or watersheds) or high-value aquatic systems where impacts authorized by those NWPs may be more than minimal.

The New England District has broad based Programmatic General Permits (PGPs) in place in all six New England States (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and Connecticut). The current nationwide permits (NWP) in these states have been revoked by the Division Engineer, and projects which would have been authorized under the NWPs are authorized under the particular state PGP. Therefore, to avoid duplication and potential public confusion and to retain the program efficiencies, streamlining and simplification already achieved through the PGPs, the New England District is proposing to the North Atlantic Division that these NWPs proposed for issuance by the Corps of Engineers headquarters be revoked in the six New England States. The revocation will become effective in the six New England States upon approval of the Division Engineer, and concurrent with the issuance of the final new NWPs by Corps of Engineers headquarters. The New England District is seeking comments on this proposal to revoke the new NWPs as herein described. Anyone wishing to comment should forward their comments by September 13, 2001 to M. James Sheehan, Chief, Policy Analysis and Technical Support Branch, Corps of Engineers, New England District, 696 Virginia Road, Concord, Massachusetts 01742. Further information regarding the New England District PGPs, or the proposal to revoke the new NWPs may be obtained from the Internet at <http://www.nae.usace.army.mil/reg/> or by contacting Mr. Sheehan at 978-318-8214. Similar public notices proposing regional conditions in other regions or States are being published concurrently by other division or district offices.

For those NWPs that result in a discharge into waters of the United States, individual Tribal or State Section 401 Water Quality Certification or waiver is required. Additionally, State Coastal Zone Management Act consistency concurrence or waiver is required for those NWP activities within or affecting the State's Coastal Zone. The Corps believes, in general, that these NWPs comply with State Water Quality Certification standards and are consistent with State Coastal Zone Management Plans. However, Corps Districts are working individually with the appropriate State or Tribal agencies to identify and resolve any issues before finalizing these NWPs.

Provisional determinations, including environmental documents, have been prepared indicating that these NWPs comply with the requirements for issuance under general permit authority. These documents, as well as the proposed NWPs and public hearing information, are available for viewing at **New England District, 696 Virginia Road, Concord, Massachusetts** or on the Internet at the addresses listed below.

The Corps will prepare final decision documents when the NWPs are issued or modified. These documents will be available as indicated in the preceding paragraph. Furthermore, the NWP decision documents will be supplemented by Division Engineers to address their decision concerning regional conditions of the NWPs

Enclosed is an index of the proposed NWPs and conditions. Anyone wishing to provide comments may obtain a full text copy of the NWPs through the Corps Home Page or GPO Federal Register address listed on the attachment.

Attachment

Christine A. Godfrey, Chief
Regulatory Division

ATTACHMENT

Internet addresses:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/>.

As an alternate, World Wide Web users can access the Federal Register through the Government Printing Office (GPO) at

<http://www.access.gpo.gov/>.

The Regulatory Website for the New England District is located at:

<http://www.nae.usace.army.mil/reg/>

Index of Nationwide Permits, Conditions, Further Information, and Definitions

Proposed Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Maintenance
8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects*
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
21. Surface Coal Mining Activities*
22. Removal of Vessels
23. Approved Categorical Exclusions
24. State Administered Section 404 Programs
25. Structural Discharges
26. RESERVED
27. Stream and Wetland Restoration Activities*
28. Modifications of Existing Marinas
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities*
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation*
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, and Institutional Developments*
40. Agricultural Activities*
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities*
43. Stormwater Management Facilities*
44. Mining Activities

Nationwide Permit General Conditions

1. Navigation
2. Proper Maintenance
3. Soil Erosion and Sediment Controls
4. Aquatic Life Movements*
5. Equipment
6. Regional and Case-by-Case Conditions
7. Wild and Scenic Rivers
8. Tribal Rights
9. Water Quality*
10. Coastal Zone Management
11. Endangered Species
12. Historic Properties
13. Notification*
14. Compliance Certification
15. Use of Multiple Nationwide Permits.
16. Water Supply Intakes
17. Shellfish Beds
18. Suitable Material
19. Mitigation*
20. Spawning Areas
21. Management of Water Flows*
22. Adverse Effects from Impoundments
23. Waterfowl Breeding Areas
24. Removal of Temporary Fills
25. Designated Critical Resource Waters
26. Fills Within 100-year Floodplains*
27. Construction Period *

Definitions

Best Management Practices
Compensatory Mitigation
Creation
Enhancement
Ephemeral Stream
Farm Tract
Flood Fringe
Floodway
Independent Utility
Intermittent Stream
Loss of Waters of the United States
Non-tidal Wetland
Open Water
Perennial Stream
Permanent Above-grade Fill
Preservation
Restoration
Riffle and Pool Complex
Single and Complete Project
Stormwater Management
Stormwater Management Facilities
Stream Bed
Stream Channelization
Tidal Wetland
Vegetated Buffer
Vegetated Shallows
Waterbody

* Proposed change, simplification or modification to NWP or General Condition